

REMARKS

The Applicant does not believe that entry of the foregoing response will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application be, kindly, reconsidered.

The Office Action dated February 5, 2004 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-20 stand rejected by the February 5, 2004 Office Action.

The Office Action rejects Claims 1-12 & 17-20 under the provisions of 35 U.S.C. §102(c), as being anticipated by U.S. Patent No. 6,539,354 issued to Sutton et al. (hereinafter referred to as Sutton et al.). In making this rejection, the Examiner states that Sutton et al. discloses that the user can select the desired the desired emotion parameter. The Examiner taken the position that "emoticon strings" is equivalent to an emotion parameter. The Applicant respectfully disagrees. There is no mention of "emoticon strings" within Sutton et al. The Applicant respectfully points out that an "emotion parameter" is a very generic term. Sutton et al. state that the user can control the "visual emotional expression" of the 3D character (see column 20, lines9-11). However, Sutton et al. do not provide any insight into how the user can select the emotion the character will display. The specification and rejected claims to the present invention specifically state that "emoticon strings" are to be used. The Applicant has given a definition of "emoticon strings" in the Appendix of the specification to the present application for invention. These "emoticon strings" as defined by the present application for invention provide the user with a text string inputs that control be used to control the emotion of an animated character.

Sutton et al. deals with creating visemes, which are visual representations of phonemes. There is no disclosure, or suggestion, for using "emoticon strings" as an emotion parameter within Sutton et al. The Applicants respectfully submit that the "emoticon strings" as recited by the rejected claims would a species within the genus "emotion parameter" cited by the Office Action. The Applicant respectfully submits that the proper analysis here should be an analysis under 35 U.S.C. §103 and not under 35 U.S.C. §102. This analysis should seek to find a suggestion or motivation within the

prior art to use "emoticon strings" as emotion parameters. Accordingly, the present rejection under 35 U.S.C. §102(e) does not include all recited elements of the claimed invention. Therefore, this rejection is respectfully traversed.

The Office Action rejects Claims 13-16 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Sutton et al. in view of U.S. Patent No. 5,963,217 issued to Grayson et al. (hereinafter referred to as Grayson et al.). The Examiner states that Sutton et al. do not disclose a web chat application including two client machines having the ability to import and export text/audio data over a network. The Examiner further states that Grayson et al. disclose an electronic conferencing system over a computer network to import, export and translate text audio data into audible speech. The Applicant, respectfully points out that the combination of Sutton et al. with Grayson et al. still does not reach the recited elements of the "emoticon strings". The Office Action provides no disclosure, or suggestion, within the cited references for using "emoticon strings" to display emotion. Accordingly, this rejection is respectfully traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

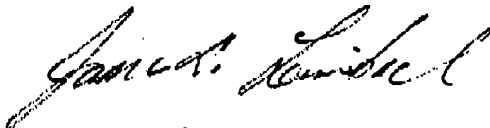
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